UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:12-cr-141-MOC-1

UNITED STATES OF AMERICA,)	
)	
vs.)	
)	ORDER
JOHN THOMAS REARDON,)	
)	
Defendant.)	
)	

THIS MATTER comes before the Court on Defendant's pro se Motion for Compassionate Release/Reduction of Sentence. (Doc. No. 43). Defendant, a 44-year-old white male currently incarcerated at FCI Schuylkill in Minersville, Pennsylvania, seeks a reduction of his sentence based on the COVID-19 pandemic. Defendant seeks release based on various past medical conditions that he contends have resulted in a weakened immune system.

Title 18, Section 3582(c)(1)(A)(i) authorizes criminal defendants to request compassionate release from imprisonment based on "extraordinary and compelling reasons." Defendant's release is not appropriate because he cannot establish "extraordinary and compelling reasons [to] warrant such a reduction" under Section 3582(C)(1)(A)(i). Moreover, the Court notes that the BOP denied Defendant's request on May 13, 2020, noting that:

A review of your case indicates your medical history does not meet the criteria . . . regarding a Compassionate Release/RIS for inmates with medical conditions. You are currently able to independently adapt to activities of daily living and are able to perform self-maintenance activities in a correctional environment. Accordingly, your Compassionate Release/RIS request is denied at this time. . . . After a careful review of your circumstances based upon the Attorney General's criteria, we have determined you are not eligible for home confinement placement. Specifically, you have not served fifty percent or more of your sentence. Additionally, your intended release destination is in an area which has a significant level of COVID-19 infection as per CDC statistics. In view of the fact that FCI Schuylkill does not have any confirmed staff or inmate cases of COVID-19 at the present time, the conditions of your release present a higher risk of contracting COVID-19 than your current

confinement at SCP Schuylkill.

(Doc. No. 43 at 66-67). The BOP is in a better position than the district courts to determine whether an individual defendant's circumstances and the prison environment warrant relief due to coronavirus concerns. Furthermore, Defendant has not submitted any medical records to substantiate the medical conditions from which he has suffered. Thus, this Court finds, as did the BOP, that Defendant has not established extraordinary and compelling reasons to warrant a sentence reduction at this time. For these reasons, the motion is denied.

ORDER

IT IS, THEREFORE, ORDERED that Defendant's pro se Motion for Compassionate Release/Reduction of Sentence, (Doc. No. 43), is **DENIED**.

Signed: June 29, 2020

Max O. Cogburn Ji

United States District Judge